

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MALRY TARDD and OTTO WHITE,

Plaintiffs,

-against-

**ORDER**

CV 04-3262 (ADS)(ARL)

BROOKHAVEN NATIONAL LABORATORY,  
et al.,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court is the defendants' letter application dated March 3, 2006, requesting an additional two hours to depose the plaintiff Otto White regarding the allegations made in the third amended complaint. The plaintiff's continued deposition is scheduled for March 9, 2006 and was to be conducted for two hours for the purpose of discussing his handwritten notes that were produced to the defendants after his deposition. The plaintiffs oppose the motion arguing that the third amended complaint, which was served on the defendants on February 20, 2006, does not contain "any new allegations and/or any information that would have caused surprise to the defendants." The court has reviewed the allegations set forth in the defendants' letter application and finds that the defendants should be permitted to depose the plaintiff for an additional two hours regarding the third amended complaint even if the amended complaint simply "heightens the pleading standard." Accordingly, the defendants' application is granted.

Dated: Central Islip, New York  
March 7, 2006

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge